

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OLLIE GREENE, Individually as the §
surviving parent of WYNDELL GREENE, §
SR., WILLIAM GREENE, as the §
Administrator of the Estate of WYNDELL §
GREENE, SR., and MARILYN BURDETTE §
HARDEMAN, Individually and as the §
surviving parent of LAKEYSHA GREENE, §
§

Plaintiffs, §
v. §

TOYOTA MOTOR CORPORATION, §
TOYOTA MOTOR ENGINEERING & §
MANUFACTURING NORTH AMERICA, §
INC., TOYOTA MOTOR SALES USA, §
INC., VOLVO GROUP NORTH §
AMERICA, LLC., VOLVO TRUCKS §
NORTH AMERICA, A DIVISION OF §
VOLVO GROUP NORTH AMERICA, §
LLC., STRICK TRAILERS, LLC, JOHN §
FAYARD MOVING & WAREHOUSE, §
LLC, and DOLPHIN LINE, INC. §
§

Defendants. §

CAUSE NUMBER: 3:11-cv-0207-N

JURY TRIAL DEMANDED

**PLAINTIFFS' RESPONSE TO DEFENDANT VOLVO GROUP NORTH
AMERICA, LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE COURT:

Ollie Greene, Individually and as parent of Wyndell Greene, Sr., William Greene, as Administrator of the Estate of Wyndell Greene, Sr. and Marilyn Burdette Hardeman, Individually and the parent of LaKeysha Greene (collectively "Plaintiffs") file this Response to the Motion for Partial Summary Judgment on Plaintiffs' Misrepresentation Claim ("VGNA's Motion for Partial Summary Judgment") filed by Defendant Volvo Group North America LLC ("VGNA") and show the Court as follows:

**PLAINTIFFS' RESPONSE TO VOLVO GROUP NORTH AMERICA'S
MOTION FOR PARTIAL SUMMARY JUDGMENT – Page 1**

VGNA is not entitled to summary judgment on any claim upon which its Motion for Partial Summary Judgment is based, e.g. any misrepresentation claim. For the reasons set forth in Plaintiffs' Response and Brief in Opposition to VGNA's Motion for Partial Summary Judgment, summary judgment in favor of VGNA is not appropriate since Plaintiffs have evidence of the elements of each cause of action and the law does not provide that VGNA is entitled to the relief sought in VGNA's Motion for Partial Summary Judgment.

Therefore, Plaintiffs pray that VGNA's Motion for Partial Summary Judgment be denied in its entirety and that Plaintiffs be granted all relief, at law and in equity, to which they are entitled.

Respectfully Submitted,

/s/ Aubrey "Nick" Pittman
AUBREY "NICK" PITTMAN
State Bar No. 16049750

THE PITTMAN LAW FIRM, P.C.
100 Crescent Court, Suite 700
Dallas, Texas 75201-2112
214-459-3454
214-853-5912 – fax
pittman@thepittmanlawfirm.com

/s/ Daryl K. Washington
DARYL K. WASHINGTON
State Bar No. 24013714

**LAW OFFICES OF DARYL K. WASHINGTON
P.C.**
325 N. St. Paul St., Suite 1975
Dallas, Texas 75201
214-880-4883
469-718-0380 - fax
dwashington@dwashlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2013 the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ Aubrey "Nick" Pittman
AUBREY "NICK" PITTMAN